

REMARKS

The Office Action mailed June 22, 2010 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Record of Interview

On July 29, 2010, an interview was conducted by telephone between Examiner Whipple and the undersigned. The Applicant thanks the Examiner for granting this interview. The details of the interview are set forth in the Interview Summary document made of record.

Claim Status and Amendments to the Claims

Claims 1-62 are currently pending.

No claims stand allowed.

The 35 First U.S.C. § 103 Rejection

Claims 1-2, 5, 8-11, 14, 17-20, 23, 26-34, 37, 39-43, 46, 49-53, 56, and 59-62 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al.¹ in view of Laves,² of which Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, 60, 61, and 62 are independent claims.³ This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's

¹ U.S. Patent No. 6,792,085 to Rigaldies et al.

² U.S. Patent No. 6,879,996 to Laves.

³ Office Action mailed June 22, 2010, at ¶ 7.

disclosure.⁴

Claim 1

Claim 1 recites:

A computer implemented method comprising:

- by a mail server, receiving information from a first client computing device regarding every change made to an application database located on the first client computing device;
- by the mail server, storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first client computing device and a second client computing device maintaining a copy of the application database;
- by the mail server, receiving a synchronization request from the second client computing device and responsive to the synchronization request, forwarding, by the mail server, the information from the mail folder to the second client computing device.

The Examiner states,

... Rigaldies discloses a computer implemented method, comprising:

receiving, at a mail server, information from a first computing device regarding every change made to an application database located on the first computing device (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voice-mail all have respective databases in the form of workstation mailbox, e-mail message store, and voicemail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message);

storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first computing device and a second computing device (Abstract; Fig. 1-4; Col. 10, ln. 1-8; Col. 15, ln. 59 - Col. 16, ln. 6; the workstation mailbox is replicated/synchronized to the voice-mail server, the voice-mail server inherently includes a mailbox representing the user to accomplish said replication/synchronization); and

forwarding the information from the mail folder to the second computing device upon receipt of a synchronization request from the second computing device (Fig. 2; Col. 12, ln. 14-43), the second computing device maintaining a copy of the application database (Abstract; Col. 4, ln. 29-35 and 41-60; Col. 22, ln. 21-23; the client, e-mail server and voicemail all have respective databases in the form of workstation mailbox, e-mail message store, and voice-mail message store respectively; Fig. 6; Col. 13, ln. 43-60; Col. 15, ln. 44-58; Col. 19, ln. 40-57; on-going synchronization occurs via the agent notifying the voice-mail server of any new status of a message).

Rigaldies is silent on the synchronization being done between the mail

⁴ M.P.E.P. § 2143.

server and a first and second client computing device.

However, Laves discloses synchronization (in a manner similar to that disclosed by Rigaldies) between a mail server and a first and second client computing device (Abstract; Col. 4, ln. 24-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies in the aforementioned manner as taught by Laves in order to bring two client devices up to date (Laves: Col. 4, ln. 24-33).⁵

In support of the Examiner's statement, the Examiner refers to portions of Rigaldies et al. that disclose a form of direct connection synchronization discussed in the Background section of the present application, where an agent 110 on a workstation 101 updates a voicemail server 200, and further the voicemail server 200 updates the agent 110 on the workstation. This aspect of Rigaldies et al. is summarized as follows:

The synchronization perform by the unified messaging system of the invention may be characterized as "two-way synchronization" because it is really a bilateral process performed between the *two* respective data stores of the voice-mail system and the e-mail system. Either end has to tell the other end what the other has done, hence *two* way.⁶

Embodiments of the invention as presently claimed feature a mail server that is a *third* device which is separate from both a first client computing device and a second client computing device, where the mail server (1) receives information from the first client computing device regarding every change made to the application database on the first client computing device, (2) stores the information in a mail folder corresponding to a user associated with the first client computing device and a second client computing device on the mail server, (3) receives a synchronization request from the second client computing device, and (4) responsive to the synchronization request, forwards the information from the mail folder to the second client computing device. In this context, "the information" that is forwarded from the mail server to the second client computing device is the information that the mail server received from the first client computing device, where the information regards every change made to the application

⁵ Office Action at ¶ 8.

⁶ Rigaldies et al. at col. 5 ll. 7-12. (emphasis added)

database on the first client computing device. This differs from the two-way synchronization disclosed by Rigaldes et al., where data stores of the voice-mail system and the e-mail system tell the other what the other has done. A third entity is involved in the synchronization disclosed by Rigaldes et al.; for example, Rigaldes et al. does *not* disclose a third entity telling the e-mail system and possibly other systems what the voice-mail system has done, or the third entity telling the voice-mail system and possibly other systems what the e-mail system has done.

Additionally, the Examiner's rejection equates the voice-mail server 200 of Rigaldies et al. with the mail server of Claim 1. The Examiner also equates the e-mail server 300 in Rigaldies et al. with the first user device of Claim 1. The Examiner also equates the workstation 101 in Rigaldies et al. with the second user device of Claim 1. In support of the Examiner's contention that Rigaldies et al. discloses "receiving, at a mail server, information from a first device regarding every change made to an application database located on the first device," the Examiner refers to portions of Rigaldies et al. that speak generally about the voice-mail server 200 receiving information from workstation 101. Whereas the Examiner's mapping would require the voice-mail server 200 receiving information from e-mail server 300 regarding every change made to an application database located on the e-mail server 300.

The deficiencies of Rigaldies et al. noted above are not resolved with the reference to Laves. Regarding Laves, the Examiner states:

... Laves discloses synchronization (in a manner similar to that disclosed by Rigaldies) between a mail server and a first and second *client* computing device (Abstract; Col. 4, ln. 24-33);

by the mail server, receiving a synchronization request from the second client computing device (Col. 4, ln. 24-33, "server based synchronization session may be employed to bring all the devices up to date"; Col. 7, ln. 54-65) and responsive to the synchronization request, forwarding the information (Col.

4, ln. 24-33, "server based synchronization session may be employed to

bring all the devices up to date"; Col. 7, ln. 54-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rigaldies in the aforementioned manner as taught by Laves in order to bring two client devices up to date (Laves: Col. 4, ln. 24-33).⁷

The Applicant notes that the portions of Laves cited by the Examiner speak generally about a "server based synchronization," where the synchronization may in some instances be initiated by an emailed *request*. Whereas Claim 1 refers to synchronization *vis-à-vis* a *mail* server and *mail* folders on the *mail* server.

Because Laves uses simple "server based synchronization," it suffers from the same problems inherent with proprietary database format synchronization requirements, and the requirement for contemporaneous operation of the synchronization partners discussed in the Background section of the present application.⁸ Whereas Claim 1 requires synchronization via *mail* folders on *mail* servers, thus avoiding such problems.

Additionally, in support of the Examiner's contention that regarding the claim limitation "by the mail server, receiving a synchronization request from the second client computing device," the Examiner refers to portions of Laves that speak generally about "server based synchronization." However, Claim 1 requires that the mail server receive the synchronization request from the second client computing device, as opposed to, for example, the mail server periodically pushing the information to the second client computing device. The Applicant respectfully submits a reference to "server based synchronization" does not teach or suggest "by the mail server, receiving a synchronization request from the second client computing device" as required by Claim 1.

⁷ Office Action at ¶ 8.

⁸ See Background section of the present application, at ¶¶ 5-11.

The Examiner also states:

The applicant argues that amendments have been made to clarify actions are occurring at a mail server, but the first limitation of claim 1 previously included language related to receiving "at a mail server." Therefore, the limitation was previously rejected as related to a mail server. Similarly, the second limitation of claim 1 claimed "storing the information in a mail folder on the mail server." Therefore, such amendments to the first and second limitations of the claim do not render the claim substantially different and the same sections cited in the previous Office action may be relied upon to reject the amended limitations.⁹

The Applicant respectfully submits that that the amendments to the independent claims included in the Amendment filed February 10, 2010 clarified for each step, whether the step is performed by a mail server, by a first client computing device, or by a second client computing device. As the preface to each of the steps limits the execution of the step to a particular entity, the Applicant submits the claims thus amended distinguish over the cited art of record.

As the limitations of Claim 1 are not disclosed or suggested by the cited art of record, the Applicant respectfully requests the 35 U.S.C. § 103 rejection of Claim 1 be withdrawn.

Independent Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62

Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 include limitations similar to those discussed above with respect to Claim 1. Claim 1 being allowable, Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 must also be allowable.

Dependent Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32, 34, 37, 39-40, 42-43, 46, 49, 50, 52-53, 56, and 59

Claims 2, 5, and 8 depend from Claim 1, Claims 10-11, 14, and 17 depend from Claim 9. Claims 19-20, 23, and 26 depend from Claim 18. Claim 28 depends from Claim 27. Claim 30

⁹ Office Action at ¶ 4.

depends from Claim 29. Claim 32 depends from Claim 31. Claims 34, 37, and 39-40 depend from Claim 33. Claims 42-43, 46, 49, and 50 depend from Claim 41. Claims 52-53, 56, and 59 depend from Claim 51. Claims 1, 9, 18, 27, 29, 31, 33, 41, and 51 being allowable, Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32 must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 3, 12, 21, 35, 44, and 54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Christie et al.,¹⁰ among which no claims are independent claims.¹¹ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. is unsupported by the art, as Rigaldies et al. does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 3, 12, 21, 35, 44, and 54 based on Rigaldies et al. and further in view of Christie et al. is unsupported by the art because the combination of Rigaldies et al. and Christie et al. does not teach all claim limitations.

The Third 35 U.S.C. § 103 Rejection

Claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Laves and further in view of LaRue et al.,¹² among which no claims are independent claims.¹³ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and

¹⁰ U.S. Patent No. 5,757,669 to Christie et al.

¹¹ Office Action at ¶ 20.

¹² U.S. Patent No. 6,449,622 to LaRue et al.

¹³ Office Action at ¶ 23.

60-62 based on Rigaldies et al. is unsupported by the art, as Rigaldies et al. in view of Laves does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 based on Rigaldies et al. in view of Laves and further in view of LaRue et al. is unsupported by the art because the combination of Rigaldies et al. in view of Laves and further in view of LaRue et al. does not teach all claim limitations.

The Fourth 35 U.S.C. § 103 Rejection

Claims 7, 16, 25, 48, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Laves and further in view of Malik,¹⁴ among which no claims are independent claims.¹⁵ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Laves is unsupported by the art, as Rigaldies et al. in view of Laves does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 7, 16, 25, 48, and 58 based on Rigaldies et al. in view of Laves and further in view of Malik is unsupported by the art because the combination of Rigaldies et al. in view of Laves and further in view Malik does not teach all claim limitations.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

¹⁴ U.S. Publication No. 2002/0065892 to Malik.

¹⁵ Office Action at ¶ 26.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,

NIXON PEABODY LLP

Dated: August 3, 2010

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